

WASHINGTON STATE
EXECUTIVE ETHICS BOARD
2425 Bristol Court SW – 1st Floor Conference Room 148 – Olympia, WA

October 13, 2006
Regular Meeting Minutes

A. Preliminary Business

1. Roll Call

The regular meeting of the Washington State Executive Ethics Board (EEB) was called to order by Chair Trish Akana at 9:00 a.m. She introduced new member Kyle Usrey. Member Usrey is the Dean of the School of Global Commerce & Management at Whitworth College. Members also introduced themselves, provided a brief background and welcomed him to the Board.

Also in attendance were Members Judy Golberg and Neil Gorrell. Vice Chair Evelyn Yenson was present via telephone. Board staff in attendance included: Executive Director Susan Harris, Senior Assistant Attorney General Nancy Krier, Administrative Officer Ruthann Bryant and Investigator Sue Jones. Susan Harris also introduced Terry Springer, who is on staff for a few months designing a new website.

2. Approval of Agenda

Chair Akana noted that a revised agenda has been distributed to include Stipulations and Orders. She requested that the Stipulations and Orders be moved to Item B before Advisory Opinions.

Motion 07-022 Moved by Member Golberg, seconded by Member Gorrell:

The Board approves the October 13, 2006 agenda as amended.

The motion passed unanimously.

3. Approval of September 8 Meeting Minutes

Motion 07-023 Moved by Member Golberg, seconded by Member Gorrell:

The Board approves the September 8, 2006 minutes as presented.

Voting for: Members Golberg, Gorrell, Akana and Yenson
Abstaining: Member Usrey

The motion passed.

B. Stipulations and Orders

1. EEB Case No. 06-030 (Mark Mason)

Susan Harris briefed the Board on the proposed stipulation and order. Mr. Mason agreed that he violated RCW 42.52.160 when he used state resources for personal gain and to support an outside business. The Board's deliberation on the proposal was deferred until closed session.

2. EEB Case No. 05-032 (Steve Klingele)

Ms. Harris briefed the Board on the proposed stipulation and order. Mr. Klingele agreed that he violated RCW 42.52.160 when he used a state computer to view Internet sites not related to his official duties. The Board's deliberation on the proposal was deferred until closed session.

C. Advisory Opinion Requests

1. Washington State Parks and Recreation Commission – Private Business in State Housing

Susan Harris introduced Melanie Watness and Steve Brand from Washington State Parks and Recreation Commission (Parks) and summarized a request for an advisory opinion on whether it is permissible to allow state employees who reside in Parks housing to conduct an outside business in the residence.

Ms. Watness provided background on the issue and noted that Parks is proposing to draft an internal directive that would allow self-employment/private businesses in park residences only under very strict conditions.

Staff believes that the statute prohibits the type of activities contemplated by Parks and recommends not issuing an advisory opinion, or issuing an opinion stating that conducting an outside business in state facilities is prohibited.

The Board stated that the law and rules are very clear: state resources may not be used for private benefit. While they commended Parks for attempting to draft conditions that the employees must agree to prior to conducting a business in state housing, such use can undermine the public's confidence and trust.

Motion 07-024 Moved by Chair Akana, seconded by Member Gorrell:

The Board supports recommendation by staff and directs staff to draft a letter based on specific facts in this case for review at the next Board Meeting.

The motion passed unanimously.

2. Can graduate students from the University of Washington keep vouchers received from an airline for volunteering to be “bumped” from an overbooked flight while on official business?

Ms. Harris summarized a request for an advisory opinion on whether employees may keep vouchers for free flights when, while traveling on state business, they were voluntarily “bumped” from their original flight. She noted that the Board’s Advisory Opinion 03-03 allows state employees to keep frequent flyer miles earned while traveling on state business since the administrative costs associated with tracking and collecting frequent flyer miles would exceed benefits derived. She added that there would be no administrative cost involved since the voucher is a tangible item that can be given to the agency.

After discussion, the Board determined that the employees were traveling on agency business, and because the agency paid for the travel, the voucher belonged to the agency. They directed staff to draft a letter based on specific facts in this case and bring to the next meeting for approval.

3. Washington State Patrol Fire Training Academy – may employees who live a fair distance from their work site stay overnight in the work facility without cost?

Susan Harris updated the Board on a request for an advisory opinion on whether Washington State Patrol (WSP) employees can use facilities of the WSP Fire Training Academy in North Bend to stay overnight and avoid a long commute home. She noted that this item was discussed at the September 8th meeting and further information was requested at that time. State Fire Marshal Michael Matlick addressed the questions raised and stated that in the last two years, employees were called in 12 times for snow removal, power outages or to reset the water system.

Staff believes that unless there is explicit statutory authority to do so, to stay overnight in state facilities for no other reason than convenience is a misuse of state resources and would be considered a violation of the Ethics in Public Service Act, regardless of public benefit.

Melanie Watness from Washington State Parks and Recreation Commission (Parks) noted that an advisory opinion on this issue would be helpful since Parks has similar situations.

After discussion, the Board directed staff to draft an opinion for approval at the November 17th meeting.

D. Staff Reports

1. Executive Director’s Report

Susan Harris summarized training conducted by staff and reported on the upcoming training scheduled.

2. Other Staff Reports

Ruthann Bryant briefly commented on the new website design.

E. Public Comment/Board Member Comments

Chair Akana briefly discussed the process for the annual evaluation and performance development plan for the Executive Director. Ms. Harris noted that Chief of Staff Milt Doumit is currently working on the evaluation and would be in touch with the Board members for their comments.

F. Executive or Closed Session

At 10:30 a.m. the Board moved into Closed Session to discuss potential litigation, deliberate and to receive and evaluate complaints against state employees and officers.

At 11:30 a.m. the Board returned to regular session and reported that the Stipulation and Orders in EEB Case No. 06-030, Mark Mason and EEB Case No. 05-032, Steve Klingele, have been accepted. Staff will negotiate payment schedules on both cases with the full penalty to be paid within one year.

The Board also reported that Mr. Pope has withdrawn his complaint against Governor Christine Gregoire for using state resources for private gain, and the matter is now closed. Staff will send a letter to Mr. Pope acknowledging that the complaint has been withdrawn.

G. Miscellaneous Matters/Adjournment

There being no miscellaneous matters, the meeting was adjourned at 11:35 a.m.

Approved by the Board 11/17/06